

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Jane Doe  v.  Gregory Brown et al.	PLAINTIFF(S)  DEFENDANT(S)
CASE NUMBER  8:23-cv-01283-DOC-KES	
<b>ORDER ON REQUEST TO PROCEED <i>IN FORMA PAUPERIS</i> (NON-PRISONER CASE)</b>	

The Court has reviewed the Request to Proceed *In Forma Pauperis* (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that the party who filed the Request:

is not able to pay the filing fees.     is able to pay the filing fees.

has not submitted enough information for the Court to tell if the filer is able to pay the filing fees. This is what is missing:

Financial information regarding any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that Plaintiff owns, including any item of value held in someone else's name; any housing, transportation, utilities, or loan payments, or other regular monthly expenses; names of dependents; any debts or financial obligations.

**IT IS THEREFORE ORDERED** that:

- The Request is GRANTED.
- Ruling on the Request is POSTPONED for 30 days so that the filer may provide additional information.
- The Request is DENIED because the filer has the ability to pay.
- As explained in the attached statement, the Request is DENIED because:
  - The District Court lacks  subject matter jurisdiction  removal jurisdiction.
  - The action is frivolous or malicious.
  - The action fails to state a claim upon which relief may be granted.
  - The action seeks monetary relief against defendant(s) immune from such relief.

**IT IS FURTHER ORDERED** that:

- Within 30 days of the date of this Order, the filer must do the following:

Plaintiff shall file an affidavit indicating whether they are a foreign citizen lawfully admitted for permanent residence in the United States.

If the filer does not comply with these instructions within 30 days, this case will be DISMISSED without prejudice.

- As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby DISMISSED  WITHOUT PREJUDICE  WITH PREJUDICE.
- This case is REMANDED to state court as explained in the attached statement.

August 16, 2023  
\_\_\_\_\_  
Date

*David O. Carter*  
United States District Judge

Plaintiff responded "N/A" to the standard IFP questions regarding Plaintiff's indigent status. In order for the Court to make an informed ruling on Plaintiff's request, Plaintiff shall submit detailed financial information regarding any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that Plaintiff owns, including any item of value held in someone else's name; any housing, transportation, utilities, or loan payments, or other regular monthly expenses; names of dependents; and any debts or financial obligations.

Plaintiff alleges that they are currently residing in California and that Defendant is a California entity. Although Plaintiff indicates they are a foreign citizen, the Court may lack jurisdiction over an action between a California entity and a foreign citizen if the foreign citizen is "lawfully admitted for permanent residence in the United States and [is] domiciled in" California. See United States v. Walker v. McCarty, No. EDCV19627JGBSHKX, 2019 WL 3818218, at \*2 (C.D. Cal. Aug. 14, 2019).

*(attach additional pages if necessary)*